

S/N: 09/345,659

Atty Dkt No. FD-990066

Remarks

Claims 1-16 remain in the application. Claims 1-14 have been allowed by the Examiner. The independent claim 15 and dependent claim 16 are resubmitted with argument and emphasis on the particular claim language that patentably defines the present invention over the teachings of the cited prior art reference as discussed in greater detail below. Claims 17-21 have been cancelled as withdrawn from consideration pursuant to the restriction requirement entered by the Examiner. Accordingly, all of the remaining claims are considered allowable, and the application is considered in condition for allowance.

The Examiner imposed a restriction requirement between one of three inventions. Claims 1-3 and 5-16 (I) are drawn to monitoring and switching signals for audio satellite broadcasts, classified in class 370, subclass 464, and were examined. The Examiner considered claims 17-20 (II) drawn to error handling, as classified in class 714, subclass 776 as withdrawn. Likewise, the Examiner considered claims 21-27 (III), drawn to analyzing audio signals from reproduced tv signals, classified in class 386, subclass 54 to be withdrawn. By choosing the claims of Group I above, the Examiner found claims 1-14 allowable and claims 15 and 16 rejected as discussed below. The cancellation of claims in this amendment is consistent with the Examiner's examination procedure to expedite allowance of the application.

The Examiner rejected claims 15 and 16 under 35 U.S.C. § 102(e) as anticipated by Hiroi. The Examiner argues that Hiroi teaches an uplink transmitting AC-3 audio with video transmissions in a satellite broadcasting system that includes an encoder and a multiplexer combining output data with conditional access data and program guide data. Nevertheless, the Examiner's attempt to truncate the quote by using ellipses eliminates important features of the claimed invention that do not show up in the cited reference relied upon by the Examiner. In particular, only Figure 1 of the reference patent identifies features preparing for an uplink processor, whereas the system description patented relates to the receiver portion of the system. Moreover, while Hiroi shows a stream combiner that receives an output from an audio stream generator, there is no teaching or suggestion that the stream combiner uses switch logic input that automatically senses the audio signal's format. Rather,

S/N: 09/345,659

Atty Dkt No. PD-990066

it would appear that the stream combiner 150 receives any audio stream generator without discriminating or sensing one type from another. Moreover, the claim defines an encoder adapted to process the sensed audio signal format, and no particular type of encoder is defined in the stream combiner of Hiroi. Accordingly, Hiroi fails to identify these important features of the encoder referred to in claim 15. Accordingly, important limitations of the claim are not disclosed, obvious from or inherent as necessarily occurring within the stream combiner teachings of Hiroi. Accordingly, the reference fails to anticipate the claimed invention.

Similarly, the multiplexer defined in the claim combines output data with conditional access data and program guide data. At most, Hiroi teaches that a transport stream combining video audio and broadcast data generator is multiplexed by transport streams "generated for other DTVB channels" and multiplexes the streams. There is no teaching or suggestion that the transport streams generated for channels relates to conditional access data or program guide data. Arguably, streams 162 and 163 relate to varying channels, but it is not clear whether varying channels are conditionally accessed as required by the claim or distinguishes program guides related to the identification of a particular program. In any event, since these features are not necessarily existing in a mere multiplexing function, and the reference fails to anticipate the claimed combination of encoder and multiplexer feature limitations defined in the claim.

Moreover, as to claim 16, the encoder's sensing of the audio signal format is expressed as a sensing of the compression imposed upon the signal. There is no teaching or suggestion that a stream combiner 150 as taught by Hiroi et al. employs or senses different types of compression so that "an encoder adapted to process the sensed audio signal format" can receive a redirected signal. Rather, the Hiroi teachings merely show combined rather than redirected signals without any "encoder adapted to process the sensed audio signal format." As a result, claim 16 particularly and patentably defines the present invention over the teachings of the patent to Hiroi.

In view of the foregoing, applicant respectfully submits that the remaining claims particularly and patentably define the present invention over the teachings of the cited

S/N: 09/345,659

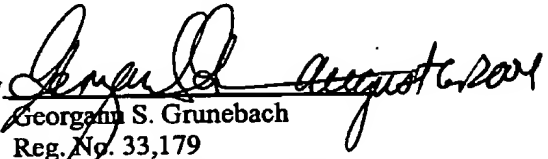
Att Dkt No. PD-990066

reference and other references of record, and place the application in condition for allowance.
Such action is respectfully requested.

Respectfully submitted,

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